THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 5242 OF 2006

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Dated 13th April, 2006

Between:

G.Srinivas Abhishek

… Petitioner

And

N.T.R. University of Health Sciences,

represented by its Vice-Chancellor,

Vijayawada, A.P. and another.

… Respondents.

ORDER:

The petitioner, an M.B.B.S. student of S.V.Medical College, Mahabubnagar, has filed this writ petition seeking a writ of mandamus to declare the action of the respondents in not awarding correct marks in Paper-I of Obstetrics including Social Obstetrics and Paper-II of Gynaecology, Family Welfare and Demography of final year MBBS examination, Part-II held in October, 2005.

It is the case of the petitioner that he has fared well in the subjects of Paper-I of Obstetrics including Social Obstetrics and Paper-II of Gynaecology, Family Welfare

and Demography, and, in spite of the same, he was not awarded correct marks. It is pointed out by the learned counsel for the petitioner that in Paper-I of Obstetrics and Social Obstetrics, though he was initially awarded 47 marks, but on revaluation, there was increase by one mark and he got 48 marks. Therefore, the valuation of his answer scripts was not done correctly. It is further pointed out that in the same paper, question No.1 has to be split up and then marks have to be awarded as shown against the question in a split-up manner. However, during the scrutiny at the time of revaluation, it was found that only four marks were given.

A perusal of the question paper as filed in the material papers indicates that it consists of long questions as well as short-note questions. Question No.1 is a composite question, which consists of total 10 marks with split up of marks into 3+3+4. Merely because split up marks are not given to the answer to the said question, it cannot be said that the examiner has not valued the whole question and had awarded the marks only for a part of the question. The split-up of marks is intended only for the purpose of guidance to the valuer, but not for the purpose of awarding marks in three stages to one question. Inasmuch as the question is one, it is open to the examiner to award marks compositely. In any event, these are the matters to be considered by the academic experts and are not within the realm of this court to interfere, in exercise of its powers under Article 226 of the Constitution of India. Now-a-days it has become order of the day that every student who fails in the examination is approaching the court with a plea that correct marks are not awarded though he wrote well. It may be true that the student feels that he wrote well, which may not, of course, be up to the standard prescribed by the examiner, but how he fared is known only after evaluation of the answer scripts by the examiner based on the key.

In that view of the matter, absolutely, there is no basis for filing this writ petition. The writ petition is totally devoid of merits and is accordingly dismissed. No costs.

2006. **(R.SUBHASHS REDDY, J.)**

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